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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,212	06/07/2001	Lowell Martinson	3755P2332	6074

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EXAMINER

SHAHER, RICKY D

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/875212	Applicant(s) MARTINSON
Examiner R.D. SHAFER	Group Art Unit 2872

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 months MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 3/5/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 12-15 is/are pending in the application.
- Of the above claim(s) 12-14 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 15 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. Newly submitted claims 12-14 are directed to an invention that is independent or distinct from the elected invention for the following reasons: Newly submitted claims 12-14 are not readable on the elected invention because the newly submitted claims fail to include the separate details of a substantially flat mirror being coupled to a surface of said side mirror on the passenger side of said vehicle; and adds separate details of the lateral-view mirror having a base portion and a mirror portion, wherein the base portion has a substantially triangular configuration with a first surface adhered to said side rear portion of said vehicle and a second side having said mirror portion at an angle from said first side.

The elected and newly submitted inventions are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because of the omission of the details of the lateral-view mirror having a base portion and a mirror portion, wherein the base portion has a substantially triangular configuration with a first surface adhered to said side rear portion of said vehicle and a second side having said mirror portion at an angle from said first side. The subcombination has separate utility such as an exterior side view mirror system without a substantially flat mirror being coupled to a surface of said side mirror on the passenger side of said vehicle, which would required a search in class 359 subclass 833 which would not be required for the elected invention.

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Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 12-14 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lorenzo ('141) in view of King ('274) or Travis ('285).

Lorenzo discloses a lateral view mirror system comprising a vehicle, a first mirror (19,24,33) coupled to a side rear portion of said vehicle and being coupled to a driver's side view mirror (20,28,36) and a second mirror (19,24,33) coupled to a rear side portion of said vehicle and being coupled to a passenger's side view mirror (20,28,36), note Figures 3-8 and the associated description thereof, except for explicitly stating that the passenger's side view mirror includes a flat mirror.

King and Travis each teach it is well known to use flat, side view mirrors in the same field of endeavor for the purpose viewing objects about the vehicle.

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Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the passenger's side view mirror of Lorenzo to include a typical flat mirror commonly used and employed in the mirror art, as taught by King or Travis, in order to reduce image distortion.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards ('418) in view of Lorenzo ('141) or Scheffler ('208).

Edwards discloses a forward view mirror system comprising a vehicle, a first mirror (8) coupled to a side rear portion of said vehicle and being coupled to a driver's side view mirror (4) and a second mirror (20) coupled to a rear side portion of said vehicle and being coupled to a passenger's side view mirror (22), note fig. 3, except for explicitly stating that the first and second mirrors are lateral-view mirrors.

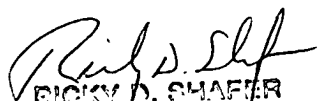
Lorenzo and Scheffler each teach it is well known to orientate a mirror in the same field of endeavor for the purpose of viewing objects lateral to a rear portion of a vehicle.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to orientate the adjustable mirrors (8, 26) of Edwards to an angle, as taught by Lorenzo or Scheffler, in order to view objects lateral of the vehicle.

5. Any inquiry concerning this communication should be directed to R.D. Shafer at telephone number 308-4813.

RDS

May 13, 2002


RICKY D. SHAFER
PATENT EXAMINER
ART UNIT 2872